# REMARKS

## I. Status Of The Claims

Claims 1-23 are pending in this Application.

Claims 1, 6, 14, 21, and 23 are rejected under 35 U.S.C. 112, second paragraph.

Claims 1-5 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Marks (U.S. Patent No. 6,463,447).

Claims 6-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marks in view of Willis (U.S. Patent No. 6,385,647).

Claims 1-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Powell (U.S. Patent Application Publication No. 2002/0073167).

Claims 1, 6, 14, 18, 21, and 23 are independent.

## II. Rejection Under 35 U.S.C. 112

The Office Action rejects claims 1, 6, 14, 21, and 23 under 35 U.S.C. 112, second paragraph, the Office Action stating "[i]t was unclear what (or from where) the method from selecting/sending data to the client device occurs".

Applicants respectfully disagree at least in view of the specification of the present application stating, for example, that:

> "[a]s shown in FIG. 1, the multicast system 100 comprises software modules for selecting 110, collecting 108, and sending 112 group data from a data network 104, a database 106 for storing shared content and a multicast network 114" (see specification of the present application paragraph [0012] ln. 4-7; emphasis added).

In view of at least the foregoing, Applicants respectfully request that the rejection

under 35 U.S.C. 112 be withdrawn.

## III. Rejections of Independent Claims 1 and 23 Under 35 U.S.C. 102(e)

The Office Action rejects independent claims 1 and 23 under 35 U.S.C. 102(e) as being anticipated by Marks. However, Applicants respectfully submit that Marks fails, for example, to disclose, teach, or suggest:

> "... selecting data to be sent to multicast groups based on a predetermined policy ..."

as set forth in claim 1 (emphasis added).

The Office Action indicates that such is taught among step 913, col. 19 lines 54-67, and col. 8 lines 43-67 of Marks, the Office Action apparently contending that Marks teaches selecting data to be sent to multicast groups among step 913 and col. 19 lines 54-67, and that Marks teaches that such selection is based on a predetermined policy among col. 8 lines 43-67.

Applicants respectfully disagree for at least the reason that Marks discusses step 913 as involving "select[ing] from a list of active multicast channels to transmit the document" (see Marks col. 19 ln. 66-67; emphasis added).

Applicants believe it clear that "select[ing]" "active multicast channels" (emphasis added) is not at all like "selecting data" as set forth in claim 1 (emphasis added).

As another example, Marks fails to disclose, teach, or suggest:

> "... wherein the sent data was selected based on a predetermined policy"

as set forth in claim 23 (emphasis added).

The Office Action, apparently pointing to Marks' discussion at col. 20 lines 50-52 that:

> "[t]he local computing resources may filter the document to

> determine for itself whether the document includes relevant information",

states:

> "Examiner reminds the applicant that the rearrangement of location of parts (i.e.: filter) is unpatentable. *In re Japikse, 86 U.S.P.Q. 70*".

However, Applicants respectfully observe, for instance that such discussion by Marks fails, for instance, to provide disclosure, teaching, or suggestion that "data" "selected based on a predetermined policy" is "sent".

Applicants further respectfully observe, for instance, that as indicated by MPEP 2144.04 *In re Japikse* dealt with a "hydraulic power press which read on the prior art except with regard to the position of the starting switch" where "shifting the position of the starting switch would not have modified the operation of the device" (emphasis added).

The Office Action apparently contends that "local computing resources ... filter[ing] the document" as discussed by Marks describes a filter located where data is received, that "wherein the sent data was selected based on a predetermined policy" as set forth in claim 23 deals with a filter placed at the location from which data is sent, and that that which is discussed by Marks differs from that which is set forth in claim 23 only in terms of "location of ... [the] filter ...".

However, even if such is taken to be the case for sake of argument, Applicants believe it clear that shifting the position of a filter from where data is received to a location from which data is sent would modify operation. For example, filtering at the location from which data is sent, instead of filtering where data is received, would result in less data being sent and lead, for instance, to various savings.

To the extent that the Office Action would contend that the above-quoted of claim

23 is taught among step 913, col. 19 lines 54-67, and col. 8 lines 43-67 of Marks, Applicants respectfully submit, with reference to that which is discussed above, that "select[ing]" "active multicast channels" (emphasis added) is not at all like selecting data.

The Office Action, citing the Abstract, col. 2 lines 16-23, col. 3 lines 30-36, and col. 7 lines 4-24 of Marks, states that "Examiner points out the prior art taught 'the document filtered and transmitted over a multicast channel or multicast server' ".

However, Applicants respectfully submit that these portions of Marks fail, for instance, to disclose, teach, or suggest the above-quoted of claims 1 and 23. Applicants further respectfully submit that these portions of Marks fail, for instance, to disclose, teach, or suggest transmitting filtered documents over a multicast channel or multicast server. These portions of Marks instead discuss, for example, filtering received documents:

> "[a] method for filtering documents includes receiving the document off of a multicast channel. It is determined whether the document includes relevant information. The document is processed if it includes relevant information" (see Marks, Abstract ln. 1-4; emphasis added);
>
> "[a] method and apparatus for dynamically filtering documents transmitted on one or more multicast channels according to a first embodiment of the present invention is disclosed. A document is received off of a multicast channel. It is determined whether the document includes relevant information. The document is processed if the document includes relevant information."
> (see Marks, col. 2 ln. 16-22; emphasis added).

In view of at least the foregoing, Applicants respectfully request that the rejection of claims 1 and 23, as well as those claims that depend therefrom, under 35 U.S.C. 102(e) be withdrawn.

## IV. Rejections of Independent Claims 6, 14, 18, and 21 Under 35 U.S.C. 103(a)

The Office Action rejects independent claims 6, 14, 18, and 21 under 35 U.S.C. 103(a) in view of Marks and Willis. However, Applicants respectfully submit that Marks and Willis, taken individually or in combination, fail, for example, to disclose, teach, or suggest:

> "... selecting data to be sent over a shared multicast channel based on a predetermined policy ..."

as set forth in claim 6 (emphasis added).

As another example, Marks and Willis, taken individually or in combination, fail to disclose, teach, or suggest:

> "... selecting data to be sent over a shared multicast channel based upon said user demand ..."

as set forth in each of claims 14, 18, and 21 (emphasis added).

The Office Action indicates that such is taught among step 913, col. 19 lines 54-67, and col. 8 lines 43-67 of Marks, the Office Action apparently contending that Marks teaches selecting data to be sent over a shared multicast channel among step 913 and col. 19 lines 54-67, and that Marks teaches that such selection is based on a predetermined policy or upon user demand among col. 8 lines 43-67.

Applicants respectfully disagree for at least the reason that Marks discusses step 913 as involving "select[ing] from a list of active multicast channels to transmit the document" (see Marks col. 19 ln. 66-67; emphasis added).

Applicants believe it clear that "select[ing]" "active multicast channels" (emphasis added) is not at all like "selecting data" as set forth in each of claims 6, 14, 18, and 21 (emphasis added).

In view of at least the foregoing, Applicants respectfully request that the rejection

of claims 6, 14, 18, and 21, as well as those claims that depend therefrom, under 35 U.S.C. 103(a) be withdrawn.

## V. Rejections of Independent Claims 1, 6, 14, 18, 21, and 23 Under 35 U.S.C. 102(e)

The Office Action rejects independent claims 1, 6, 14, 18, 21, and 23 under 35 U.S.C. 102(e) as being anticipated by Powell. However, Applicants respectfully submit that Powell fails, for example, to disclose, teach, or suggest:

> "... sending the data over the multicast channel to one or more client devices"

as set forth in each of claims 1 and 6 (emphasis added).

As another example, Applicants respectfully submit that Powell fails to disclose, teach, or suggest:

> "... sending the selected data over the multicast channel to one or more client devices"

as set forth in each of claims 14, 18, and 21 (emphasis added).

As yet another example, Applicants respectfully submit that Powell to fails to disclose, teach, or suggest:

> "... wherein said cache includes data sent to one or more client devices of multicast groups ..."

as set forth in claim 23 (emphasis added).

Applicants note that the portions of Powell cited by the Office Action, both in the "Claims Rejections – 35 USC § 102" section regarding Powell and the "Response to Arguments" section, fail to disclose, teach, or suggest such functionality, and instead, for instance, discuss:

> "[t]hrough the use of multicast protocol, only subscribing or interested local proxy servers receive the transmission"

(see Powell paragraph [0012]; emphasis added).

Applicants believe it clear, for example, that "local proxy servers" (emphasis added) are not at all like "client devices" as set forth in each of claims 1, 6, 14, 18, 21, and 23.

In view of at least the foregoing, Applicants respectfully request that the rejection of claims 1, 6, 14, 18, 21, and 23, as well as those claims that depend therefrom, under 35 U.S.C. 102(e) be withdrawn.

## VI. Dependent Claims

Applicants do not believe it is necessary at this time to further address the rejections of the dependent claims as Applicants believe that the foregoing places the independent claims in condition for allowance. Applicants, however, reserve the right to further address those rejections in the future should such a response be deemed necessary and appropriate.

## VII. Conclusion

Applicants respectfully submit that this Application is in condition for allowance for which action is earnestly solicited.

If a telephone conference would facilitate prosecution of this Application in any way, the Examiner is invited to contact the undersigned at the number provided.

## VIII. Authorization

The Commissioner is hereby authorized to charge any additional fees which may be required for this response, or credit any overpayment to Deposit Account No. 13-4500, Order

No. 4208-4041. **A DUPLICATE OF THIS DOCUMENT IS ATTACHED.**

Furthermore, in the event that an extension of time is required, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above-noted Deposit Account and Order No.

Respectfully submitted,

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Dated: February 2, 2006

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(see Powell paragraph [0012]; emphasis added).

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